

SENATE BILL REPORT

EHB 2194

As of April 21, 2009

Title: An act relating to extraordinary medical placement for offenders.

Brief Description: Modifying provisions relating to extraordinary medical placement for offenders.

Sponsors: Representative Appleton; by request of Department of Corrections.

Brief History: Passed House: 4/14/09, 51-46.

Committee Activity: Ways & Means: 4/22/09.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Richard Ramsey (786-7412)

Background: Extraordinary Medical Placement. The RCW 9.94A.728 sets forth the conditions under which an offender may leave the confines of the Department of Corrections (DOC) before the expiration of that offender's sentence. An offender may leave before the expiration of his or her sentence as a result of earned early release, an authorized release or a leave of absence, or a transfer to community custody in lieu of earned early release.

In addition, an offender may leave if the DOC authorizes an extraordinary medical placement. An offender must meet the following conditions to become eligible for such a release:

- the offender has a medical condition that is serious enough to require costly care treatment;
- the offender poses a low risk to the community because the offender is physically incapacitated due to age or the medical condition; and
- granting the extraordinary medical placement will result in a cost savings to the state.

Offenders sentenced to death or to life imprisonment without the possibility of release or parole are not eligible for an extraordinary medical placement. Also, the Secretary of the DOC must require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. Extraordinary medical placement may be revoked at any time.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The eligibility conditions for extraordinary medical placement are modified. An offender is eligible if:

- the offender has a medical condition that is serious and is expected to require costly care or treatment;
- the offender poses a low risk to the community; and
- it is expected that granting the extraordinary medical placement will result in a cost savings to the state.

If electronic monitoring interferes with the function of an offender's medical equipment or results in the loss of funding of the offender's medical care, an alternative type of monitoring must be used.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on August 1, 2009.